

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KANG HAGGERTY LLC	:	CIVIL ACTION
	:	
v.	:	
	:	
BAXTER MCLINDON HAYES, JR., et al.	:	NO. 17-1295

**ORDER**

**AND NOW**, this 9th day of February, 2023, upon consideration of Defendants’ “Motion for Partial Summary Judgment” (Docket No. 82), Plaintiff’s Response thereto, and all related submissions, and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Defendants’ Motion is **DISMISSED IN PART** as moot insofar as it seeks summary judgment in their favor on Plaintiff’s claim for unjust enrichment (Count II of Plaintiff’s Amended Complaint) which was previously withdrawn.
2. Defendants’ Motion is **GRANTED IN PART** insofar as it seeks to limit Plaintiff’s recovery of the contingency fee element of the parties’ engagement agreement (Mot. Ex. D) to the quantum meruit value of Plaintiff’s services.
3. Defendants’ Motion is **DENIED** in all other respects.<sup>1</sup>

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.

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<sup>1</sup> This action will proceed on Plaintiff’s breach of contract claims for (1) payment of its outstanding invoices and (2) payment of the contingency fee element of the parties’ engagement agreement insofar as it seeks the quantum meruit value of Plaintiff’s services, as well as Defendants’ counterclaims for breach of contract and breach of fiduciary duty.